

ALPINE CITY COUNCIL MEETING
Alpine City Hall, 20 North Main, Alpine, UT
October 22, 2013

I. CALL MEETING TO ORDER

A. Roll Call: The following were present and constituted a quorum:

Mayor Hunt Willoughby

Council Members: Mel Clement, Bradley Reneer, Will Jones, Mel Clement, Troy Stout

Staff: Rich Nelson, Charmayne Warnock, David Church, Shane Sorensen, Jason Bond, Jannicke Brewer, Marla Fox, Chief Brian Gwilliam

Others: Becky Rasband, Chase Purles, Jim Hobbs, Kathleen Rasmussen, Ronald Rasmussen, Joe McRae, Matthew Wood, Kaden Mecham, Lesa Mecham, Melanie Wilkes, Nathan Wilkes, Darren Gooch, Roger Andersen, Blaine Dennis, Bart Burgess, Bridger Larsen, Jimmy Larsen, Mark Wells, S. Taylor Smith, Cooper Larsen, Jennifer Stout, Sydney Stout, Greg Gordon

B. Prayer:

Mel Clement

C. Pledge of Allegiance:

Kaden Mecham

II. PUBLIC COMMENT

Becky Rasband said she lived on Mountainville Circle. She said that at the Meet the Candidate Night there was an assertion (not from a candidate) that Alpine had paid Alpine Baseball \$100,000.

Mayor Willoughby said that was incorrect. He said he believe the statement was that the City put a lot of money into parks but did nothing for girl's events.

Ms. Rasband said her boys had played on Alpine Baseball for years. She asked what the relationship was between the City and Alpine Baseball. Where did all the fees she had paid go?

Rich Nelson said Alpine Baseball had a partnership with the City where the City provided the fields and maintained them but the leagues handled everything else. It was a way to provide a recreation program that didn't require a great cost to the City or staff time. He said the infield was taken care of by the baseball people. They had paid for 15 truckloads of red dirt to be brought in. The City maintained the sprinklers and backstops and playground area. He said the City did not receive funding from baseball and baseball did not receive funding from the City. Most of the fees the participants paid went for the operation of the league. He said that would change in the next fiscal year. Next year for any sport that participated, the City would get \$2 a head to maintain the park area.

Kathleen Rasmussen thanked the Mayor, Council and Staff for the great work that was being done for the city. As a member of the Moyle Park Committee, she would like to request that some of the money from the sale of one-third acre of Lambert Park be used to replace the "Honey Bucket" for permanent restrooms at Moyle Park. She said there were more people during this past summer on any given day, at Moyle Park, than at Lambert Park.

Will Jones and Kimberly Bryant arrived at the meeting.

III. CONSENT CALENDAR

A. Approve the minutes of October 1, 2013 and October 8, 2013.

B. Final Payment Request - Geneva Rock Products - \$51,744.81

C. Final Bond Release - Bennett Farms, Plat C - \$9,968.40

MOTION: Will Jones moved to approve the Consent Calendar with the minutes as corrected. Kimberly Bryant seconded. Ayes 4 Nays: 0. Motion passed. Troy Stout was not present at the time of the motion.

IV. REPORTS AND PRESENTATIONS: None

V. ACTION AND DISCUSSION ITEMS

A. Abe's Landing Minor Subdivision - Final Approval - Jim Hobbs: The proposed subdivision consisted of three lots located at the corner of 200 East and Center Street in the TR-10,000 zone.

Jason Bond said there was an existing structure on lot 1 that would stay there until the previous property owners decided what they wanted to do with it. The subdivision had water and sewer available. There would be an overhead telephone line between lots 2 and 3.

Shane Sorensen said there was a question about the setback on the existing building. Jim Hobbs said they laid out the subdivision so the west lot met code relative to the setbacks. It complied with the ordinance.

MOTION: Will Jones moved to approve Abe's Landing minor subdivision subject to the following conditions:

1. The Fire Marshal review the locations of the existing fire hydrants to determine if they were sufficient for the area.
2. The City's water policy be met.
3. The redlines on the plat be corrected.
4. The telephone line go on the proper easement.

Mel Clement seconded. Ayes: 4 Nays: 0. Motion passed. Troy Stout was not present at the time of the motion.

Shane Sorensen said the telephone line was currently there. It just had to be moved into the easement.

B. Joint Recreation Agreement with Highland City and Cedar Hills: Rich Nelson said he had met with Highland City and with Greg Gordon who was the recreation director for Cedar Hills. It was proposed that Alpine City enter into an agreement with Highland and Cedar Hills for a number of recreation programs. There would be no cost to the City. Alpine would provide the fields and Cedar Hills would run the program. The fees for residents of Alpine would be the same as for residents of Cedar Hills. There would still be the \$2 fee per head as mentioned earlier. The programs that would be provided were soccer for ages 4-5 and K-2. Eventually it would expand to include K-6 (kindergarten through 6th grade).

Mel Clement asked what the ratio was of participants from the different cities.

Greg Gordon said the ratio for Junior Jazz, which had been operating for some time, was about 60% from Cedar Hills. The remaining 40% was split between Alpine and Highland. There were 800 participants. They were just starting soccer this year with 155 participants and didn't have the ratio.

Will Jones said that most of the Alpine kids played with North Utah County Soccer (NUCS). He said one of the concerns was that the competition teams from Alpine were traveling to other cities to play.

The Council discussed the problem of teams outside of Alpine using the fields while kids from Alpine were traveling to other towns. There was suppose to be an agreement with the sports leagues that in order to use Alpine fields there needed to be a certain percentage of Alpine youth on the teams, but that hadn't necessarily been happening.

The Council also discussed conflict among the different leagues. When one league was in charge of the fields, they tended to dominate them.

Mel Clement said he'd been on the Council in the past when this was an issue. They weren't just talking about soccer. There was football and rugby and baseball. Field space was really tight. He felt they should meet the needs of the Alpiners first.

Becky Rasband asked why the City did not simply charge the teams to use the fields. She asked if the \$2 per head was enough to cover the cost of maintenance or was it just a token payment. She added that the fields were packed and it was impossible to find a place to park.

Kimberly Bryant said the complaint from neighbors up in Healey and Smooth Canyon parks was that the parks were monopolized by sports and they couldn't use the park. Mayor Willoughby said that was why they limited Creekside Park for family use.

Rich Nelson said the City got calls all the time from people asking why they couldn't use Creekside Park for sports programs.

Roger Anderson said he had been a resident of Alpine since 1995 and had been with the NUCS for almost that long. NUCS had been providing soccer for Alpine youth since the late 80s. His question was, what was broken? Why was the City looking at rupturing a program that had been in use for 25 years? He said he would love to have a conversation with the City about that. He pointed out that Cedar Hills had a soccer program that had been going for 4 months. If the NUCS program was crashing and burning and Cedar Hills had a longstanding reputation, he could see why the City would be considering it. But that wasn't the case. He said that as an Alpine resident and a member of the NUCS, he would like to be involved in the conversation.

Troy Stout said he was in favor of taking a longer time to look at the proposal. There needed to be more meetings and more discussion.

MOTION: Troy Stout moved that the City Council delay approval of the proposed agreement with Cedar Hills and Highland for a recreation program, and take the next 60 days to evaluate it. Will Jones seconded. Ayes: 5 Nays:0. Motion passed unanimously.

Another member of the audience said he represented the SURF club and would like to be included in the discussions.

C. Lift Fire Restrictions: Mayor Willoughby said that he had talked to the fire chief and it was proposed they lift the remaining fire restrictions.

MOTION: Bradley Reneer moved to lift the remaining fire restrictions. Will Jones seconded. Ayes: 5 Nays: 0. Motion passed unanimously.

D. Eagle Pointe Subdivision - Taylor Smith and Mark Wells: The proposed subdivision was located at approximately Hog Hollow Road and Matterhorn and would be accessed from Lakeview Drive. It consisted of 15 lots on 31.88 acres in the CR-40,000 zone. The City Council had previously determined that the subdivision should be a PRD.

Jason Bond said there was a long history on the proposed development. It had been known by various names including Summit Hills and Vista Meadows.

The original Summit Hill was recommended for final approval by the Planning Commission in 1997 but did not receive approval from the City Council. The original plat was abandoned. Two years later in 1999 it was reinstated and remanded back to the Planning Commission for further work. The project was again abandoned and the property sold.

It came back in 2005 with Taylor Smith as the developer. The project was renamed Vista Meadows. A geological hazards assessment was required and a system of retaining walls was proposed. The developer worked with the Planning Commission for two years on the issues. Some of those issues were enumerated by Ted Stillman and Shane Sorensen and included: water pressure and fire flow, subsurface rocks and soils, groundwater recharge, erosion hazards, storm drainage. On September 4, 2007 the Planning Commission approved the revised concept and preliminary plats Vista Meadows with conditions. The following week the City Council voted to not continue with the project as designed with retaining walls because of the public health and safety risks. The plat was amended and

on October 16, 2007 the Planning Commission voted to recommend a conditional final approval to the amended plat.

The final plat for Vista Meadows was not taken to the City Council for approval, and a year later on October 7, 2008, the Planning Commission voted to extend preliminary plat approval. The plat came back to the Planning Commission a year later for final approval. The Planning Commission denied approval of the final plat for Vista Meadows on October 6, 2009 because the previous approvals had expired and the ordinance on retaining walls had changed.

On October 15, 2013, developers Taylor Smith and Mark Wells approached the Planning Commission with a concept plan on the same site but renamed the subdivision Eagle Pointe PRD. After a lengthy discussion, the Planning Commission moved to not approve the concept plan for Eagle Pointe due to the four exceptions that would be needed. The developers then came to City Council to appeal the decision of the Planning Commission.

The concept plan for Eagle Pointe showed a long cul-de-sac with fire access road which could be used in an emergency. The fire road would not be open to the public and would not meet City road specifications. Jason Bond said the Planning Commission felt the road was still an overly long cul-de-sac in spite of the fire access road, and therefore did not meet the requirements of the ordinance. They did not approve the concept plan.

In response to the decision by the Planning Commission, the developers came to City Council to appeal the decision of Planning Commission. Rich Nelson said that under LUDMA the City Council would be the appeal authority. He advised the Council to look at what would be best for the city.

Mark Wells said they'd had two plans. The Vista Meadow plat had showed a full-width, looped road system which did not require any exceptions, but the design required high retaining walls. The walls were very controversial. The second plan submitted as Eagle Pointe showed a long road with a turnaround and a fire access road. The retaining walls would be much shorter - between four and twelve feet high.

Mr. Wells said the point of debate was that the Planning Commission felt that four exceptions would still be needed for the latest design. The developers did not agree. They felt only one exception would be needed for the plan with the fire road, and that would be the exception on a 50-foot clear zone. Mr. Wells said he did not feel the road could be considered a cul-de-sac because of the fire access road. He said the City Ordinance stated that a cul-de-sac was a permanently closed road with a turnaround. Their design showed a turnaround with the fire road as a secondary access. The fire road was 20 feet wide which was the minimum width required in the Urban Wildland Interface Ordinance.

Regarding retaining walls, Troy Stout read from Article 3.9 and Article 4.17 of the Development Code (amended by Ord. No. 2007-04) which stated that the use of retaining walls was prohibited unless recommended by the City Engineer and Planning Commission and approved by the City Council.

Shane Sorensen explained that Vista Meadows was approved under a previous ordinance. A developer could apply for an extension of approval, but if the ordinance had changed, the City could not extend the previous approval. The ordinance regarding retaining walls had been changed to involve the City Council in the decision.

David Church said that when Vista Meadows first filed their application, it generated a lot of public comment because of the retaining walls. At that time the ordinance allowed retaining walls with only the approval of the City Engineer and the Planning Commission. The City Council felt it was better to have an overly long cul-de-sac and grant exceptions rather than have the retaining walls. The ordinance was then amended to add City Council approval on retaining walls. Mr. Church said the developers were submitting what they believed the former City Council had approved.

Troy Stout said the public outcry over the height of the retaining walls was not only a concern about aesthetics. There were safety issues. Plus there was a potential future cost to the City for maintenance. There had been expensive problems with the walls on Traverse Ridge.

David Church said the submitted plat showed a reduced height on the retaining walls, but it had a long cul-de-sac with a secondary access road. He added that Willow Canyon had a secondary access road off Preston Drive. The proposed Three Falls subdivision also had a secondary access road.

Troy Stout said he felt the spirit of the cul-de-sac ordinance was to facilitate smooth travel. The fire access road was only for emergency evacuation.

Shane Sorensen said the secondary access road off Preston Drive was on the same grade. The fire road proposed for Eagle Pointe had a steep drop-off.

Mel Clement asked David Church what kind of discretion the Council had on access roads.

Mr. Church said the Council had discretion but any decision had to be based on some kind of factual determination. He reminded the Council that the developers were there to dispute the finding of the Planning Commission that the road was a cul-de-sac. The developers were maintaining that it was not a cul-de-sac because of the secondary access road. As the Appeal Authority, the City Council needed to decide if the Planning Commission was right or wrong. If the City Council determined that the road was a cul-de-sac even with the fire access road, the developer could still develop if the Council granted four exceptions.

David Church said state law stated that an applicant was entitled to a land use application. The developers were asserting that they conformed to Alpine's Ordinance because of the ambiguity of the definition of a cul-de-sac. He said the first question the Council should decide was whether or not they agreed with the Planning Commission, or with the applicant. If the Council agreed with the Planning Commission, the matter ended that night. It put the applicant in the position of needing an exception. In order to get an exception, they had to have a recommendation from the City Engineer and DRC. They had to bring the request for an exception through the process. On the other hand, if they agreed with the applicant that the road was not a cul-de-sac, then they would not need the four exceptions.

Mark Wells said that two of the exceptions were not related to the cul-de-sac. One was the clear zone and the other was requirement that there be less than 20 houses on the street.

Troy Stout asked what the length of the road was from where it intersected with Lakeview Drive. Mark Wells said it was about 1800 feet. The cul-de-sac ordinance restricted the length of a cul-de-sac to 450 feet. He said there were 8 cul-de-sacs in Alpine that were 2000 feet or longer. Canyon Brook Estates in Fort Canyon was one of them. It was a three-lot subdivision.

Taylor Smith said that this subdivision had been around for a long time. They purchased the property at favorable terms based on getting access. He said they were fully prepared to go ahead with the looped, full-width road system. It was less expensive to do it without the retaining wall and they were attempting to minimize what happened up there. But if the Council didn't agree, they would go with the full road.

Mark Wells said the City Council and Planning Commission had previously granted exceptions related to this type of development. Canyon Brook Estates was approved without a secondary access in a very long cul-de-sac. Why would they be treated any differently?

Mel Clement asked how many houses were beyond Canyon Brook. Will Jones thought there were about 18 houses up to Three Falls. Shane Sorensen said he thought there nine houses plus the three that would be in Canyon Brook.

David Church said that when the Council was previously considering Vista Meadows, they were also looking at the Three Falls project which was proposed to have 56 homes with a fire access road. If they added in the homes already in Fort Canyon, they were looking at 70 homes on one access. He suggested the Council consider the implications for the next developer. He was anticipating the return of Three Falls in the next four or five months.

Mel Clement asked if the secondary access road in Three Falls was a full-width road. Hunt Willoughby said it was not. In order to reduce the width of the cut and reduce the height of the retaining walls, it had a 20-foot, all-weather surface.

Bradley Reneer said they needed to be consistent.

Will Jones said that due to a conflict of interest, he would not vote on the motion.

MOTION: Troy Stout moved to sustain the decision of the Planning Commission made on October 15, 2013 stating that the road was a cul-de-sac based on the fact that it was a dead end road with a turnaround, and the proposed secondary access road did not lend itself to common travel in accordance with the spirit of cul-de-sac ordinance. Kimberly Bryant seconded. Ayes: 3 Nays: 1. Troy Stout, Kimberly Bryant, Mel Clement voted aye. Bradley Reneer voted nay. Will Jones abstained. Motion passed.

VI. STAFF REPORTS

Rich Nelson asked the City Council what information they wanted to see in the next 60 days regarding the proposed changed to the recreation program.

Mayor Willoughby said they would like to know what the shortcomings were of the North Utah County Soccer league (NUCS), and if there was a reason to part ways with them.

Bradley Reneer said he would like to see the numbers of how many games were played on which fields on which weeks and how that would change.

Mel Clement said he was also looking for numbers. He'd like the gentleman from Alpine on the NUCS to come back and comment on recreation leagues and competition leagues.

Will Jones said he would still like to be involved with Cedar Hills on basketball since Alpine didn't have those facilities. Darren Gooch noted that Cedar Hills currently let Alpine youth play basketball and they paid the same fees as Cedar Hills.

Troy Stout said it was the same with football. He said his daughter played with SURF a lot and they paid the City nothing.

Rich Nelson said he would send a letter to NUCS and request a presentation to the Council.

Charmayne Warnock reported that Early Voting had begun, and over 400 absentee ballots had been sent out.

Shane Sorensen reported on the progress on the storm drain work. They had constructed pipe from Dry Creek to a point that he showed on the map. Once they were out of the street they would build the catch basins. The main trench was scheduled for Friday. He said that they had to loop one gas line but other than that they had been able to engineer around everything else so it had worked out well. He said the one thing they needed to consider in the next budget was a street overlay. With all the heavy equipment, it would need to be done. The deadline for completion of the project was November 17th. They would ask for a 30-day extension. With all the design work that had to be done, it had been a challenge.

VII. COUNCIL COMMUNICATION

Troy Stout said they'd had Meet the Candidate Night on Thursday. There were not many people there. He proposed they put some money in the budget to encourage people to come out. Mayor Willoughby said there had been other conflicting events that same night. In the past they had the Youth Council bring a parent and that had increased the numbers.

Troy Stout said he had met with the Youth Council and their advisors to tour Lambert Park. It gave them some perspective on motor vehicles issues in the park. He said he would like to put some money toward signage and education. He asked when they would receive their money from the sale of the ground. David Church said it would be as soon as the City could give them the deed, possibly the next week.

Mel Clement reminded the Council that Moyle Park wanted some of the money for restrooms.

Will Jones asked if the City had reached an agreement with the Alpine Recovery Lodge. David Church said it was still in discussion. Will Jones asked if anyone had followed up on Steve Snyder's complaint about the streetlights. Since Shane Sorensen had been consumed by the storm drain work, Will said he would call Steve Snyder and tell him to call Rocky Mountain.

Bradley Reneer asked about the Keystone Annexation letter. Will Jones said it was his annexation and there was an issue with closure in the legal description.

Mayor Willoughby said he had sent a letter the Alpine Cove HOA requesting them to contribute to the EMS fund since they benefited from it but did not pay for it.

VIII. EXECUTIVE SESSION: None held.

MOTION: Will Jones moved to adjourn. Bradley Reneer seconded. Ayes: 4 Nays: 0. Kimberly Bryant was not present at the time of the motion. Motion passed.

The meeting was adjourned at 9:20 pm.